

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON**

**UNITED STATES OF AMERICA**

v.

**CRIMINAL NO. 2:18-cr-00134**

**ALLEN H. LOUGHRY II**

**UNITED STATES REQUEST FOR NOTICE OF ALIBI**

The United States hereby requests, under Fed. R. Crim. P. 12.1, that defendant Allen H. Loughry II notify the United States of any intended alibi defense for Counts 4 – 18 of the Second Superseding Indictment.

As set forth in those counts, the time, date, and place of the alleged offenses are as follows:

<b>Count</b>	<b>Approx. Date and Time</b>	<b>Place of the Alleged Offense (highlighted in bold)</b>
<b>4</b>	Thursday, Aug. 22, 2013 8:01 p.m.	Purchase of 19.425 gallons of unleaded plus gasoline for \$71.08 at <b>ExxonMobil, Washington St. (“East End Exxon”), Charleston, Kanawha County, West Virginia.</b>
<b>5</b>	Thursday, Thanksgiving Day Nov. 28, 2013 8:31 p.m.	Purchase of 11.206 gallons of unleaded plus gasoline for \$39.21 at <b>East End Exxon, Charleston, Kanawha County, West Virginia.</b>
<b>6</b>	Saturday, Dec. 14, 2013 4:57 p.m.	Purchase of 19.503 gallons of unleaded gasoline for \$65.51 at <b>ExxonMobil, Harper Rd., Beckley, Raleigh County, West Virginia.</b>
<b>7</b>	Sunday, Dec. 22, 2013 6:00 p.m.	Purchase of 19.102 gallons of unleaded gasoline for \$63.02 at <b>Kroger gas station, Elkview, Kanawha County, West Virginia.</b>
<b>8</b>	Monday, Dec. 30, 2013 4:29 p.m.	Purchase of 18.244 gallons of unleaded plus gasoline for \$63.84 at <b>East End Exxon, Charleston, Kanawha County, West Virginia.</b>

Count	Approx. Date and Time	Place of the Alleged Offense (highlighted in bold)
<b>9</b>	Wednesday, Jan. 1, 2014 12:49 p.m.	Purchase of 11.175 gallons of unleaded gasoline for \$37.98 at <b>East End Exxon, Charleston, Kanawha County, West Virginia.</b>
<b>10</b>	Sunday, Jan. 19, 2014 8:17 p.m.	Purchase of 13.55 gallons of unleaded plus gasoline for \$46.33 at <b>ExxonMobil, MacCorkle Ave., Charleston, Kanawha County, West Virginia.</b>
<b>11</b>	Sunday, Mar. 23, 2014 6:03 p.m.	Purchase of 18.667 gallons of unleaded gasoline for \$69.05 at <b>ExxonMobil, Amma Road, Amma, Clay County, West Virginia.</b>
<b>12</b>	Sunday, Mar. 23, 2014 8:58 p.m.	Purchase of 12.636 gallons of unleaded plus gasoline for \$46.99 at <b>East End Exxon, Charleston, Kanawha County, West Virginia.</b>
<b>13</b>	Friday, Jul. 4, 2014 6:42 p.m.	Purchase of 7.033 gallons of unleaded gasoline for \$26.44 at <b>Go-Mart, Frame Road, Elkview, Kanawha County, West Virginia.</b>
<b>14</b>	Sunday, Jul. 6, 2014 5:15 p.m.	Purchase of 9.35 gallons of unleaded plus gasoline for \$37.68 at <b>BP, Washington St. ("East End BP"), Charleston, Kanawha County, West Virginia.</b>
<b>15</b>	Saturday, Dec. 20, 2014 10:41 a.m.	Purchase of 17.582 gallons of unleaded gasoline for \$47.45 at <b>East End BP, Charleston, Kanawha County, West Virginia.</b>
<b>16</b>	Friday, Jan. 2, 2015 9:26 a.m.	Purchase of 14.011 gallons of unleaded gasoline for \$35.01 at <b>East End Exxon, Charleston, Kanawha County, West Virginia.</b>
<b>17</b>	Saturday, Jan. 3, 2015 6:17 p.m.	Purchase of 18.642 gallons of 18.642 gasoline for \$42.86 at <b>Go-Mart, Frame Road, Elkview, Kanawha County, West Virginia.</b>
<b>18</b>	Saturday, Mar. 14, 2015 5:11 p.m.	Purchase of 11.087 gallons of unleaded gasoline for \$26.60 at <b>Go-Mart, MacCorkle Ave., Charleston, Kanawha County, West Virginia.</b>

Respectfully submitted,

MICHAEL B. STUART  
United States Attorney

By: s/Philip H. Wright

PHILIP H. WRIGHT  
Assistant United States Attorney  
WV State Bar No. 7106  
300 Virginia Street East  
Room 4000  
Charleston, WV 25301  
Telephone: 304-345-2200  
Fax: 304-347-5104  
Email: [philip.wright@usdoj.gov](mailto:philip.wright@usdoj.gov)

**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing "UNITED STATES REQUEST FOR NOTICE OF ALIBI" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 27th day of August, 2018, to:

John A. Carr, Esq.  
John A. Carr Attorney at Law, PLLC  
179 Summers Street, Suite 209  
Charleston, WV 25301

s/Philip H. Wright  
Philip H. Wright  
Assistant United States Attorney  
WV Bar No. 7106  
300 Virginia Street, East  
Room 4000  
Charleston, WV 25301  
Telephone: 304-345-2200  
Fax: 304-347-5104  
Email: philip.wright@usdoj.gov